

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THELMA WASTE CONTROL, INC.)	)	
_____	)	CASE NO. 91-057
ALLEGED VIOLATION OF KRS CHAPTER 278.	)	

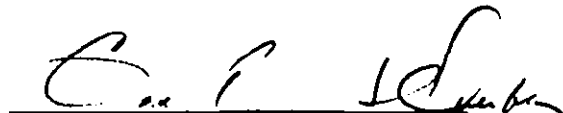
O R D E R

Thelma Waste Control, Inc. ("Thelma Waste Control") has requested an exemption from KRS 278.020(1) which prohibits the construction of utility facilities without a Certificate of Public Convenience and Necessity. The Commission finds that this request should be denied. The Commission lacks the authority to grant the requested exemption. KRS 278.020(1) prescribes the regulatory prerequisites for the construction of utility facilities. "[W]here . . . [a] statute in itself prescribes the exact procedure the administrative agency may not add to or subtract from such a provision." Union Light, Heat, and Power Co. v. Pub. Serv. Comm'n, Ky., 271 S.W.2d 361, 365 (1954).

IT IS THEREFORE ORDERED that Thelma Waste Control's request for exemption from KRS 278.020(1) is denied.

Done at Frankfort, Kentucky, this 18th day of November, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

\_\_\_\_\_  
Commissioner

ATTEST:

  
Executive Director